

TEMPORARY

NO.68870-T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUN 05 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUN 05 2002

The applicant **Kim K. Stewart and Kathleen L. Stewart**, hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion**. of water heretofore appropriated under **Permit 22936, Certificate 6855**

1. The source of water is **Underground**
2. The amount of water to be changed **0.7837 CFS, not to exceed 285.96 AFS**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Unchanged**
5. The water is to be diverted at the following point **SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27 T.12N., R.23E., M.D.B.&M. or at a point from which the SW corner of said Section 27 bears S. 11° 15' 38" W., a distance of 665 feet.**
6. The existing permitted point of diversion is located within **NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T.12N., R.23E., M.D.B.&M., or at a point from where the N $\frac{1}{4}$ corner of said Section 34 bears N. 59° 10' 44" E., a distance of 1502.82 feet.**
7. Proposed place of use **92.7 acres as follows: 13.02 Ac. SW $\frac{1}{4}$ NW $\frac{1}{4}$. 21.83 Ac. NW $\frac{1}{4}$ SW $\frac{1}{4}$. 38.71 Ac. SW $\frac{1}{4}$ SW $\frac{1}{4}$. 19.14 Ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 27 T.12N., R.23E., M.D.B.&M.**
8. Existing place of use **See Attachment "A"**
9. Use will be from **April 1 to October 1st** of each year.
10. Use was permitted from **April 1 to October 1st** of each year.
11. Description of proposed works. **Drilled and Cased Well, equipped with Motor, Pump, Meter and Pipeline Distribution System.**
12. Estimated cost of works **\$75,000.00**
13. Estimated time required to construct works **One (1) year**
14. Estimated time required to complete the application of water to beneficial use **Two (2) years.**
15. Remarks: **Water being changed is supplemental to WRD Claims 22 & 75. This application is being filed to transfer the applicant's portion of this right to a well located on applicant's property. Existing well not capable of producing sufficient water to meet applicant's needs.**

s/ Gregory M. Bilyeu
By Gregory M. Bilyeu
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89511

Compared dr/cmf dr/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 22936, Certificate 6855, is issued subject to the terms and conditions imposed in said Permit 22936, Certificate 6855, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permit 68870-T and any water of the Walker River Decree and any storage water appurtenant to the place of use shall not exceed 285.96 acre-feet per season for the irrigation of 92.7 acres. The permit holder is responsible for insuring delivery of the entitled decreed and storage waters that are supplemental to this permit. In any year the Walker River Irrigation District declares a full allocation of decreed water to the priority years of C-125 decree claims supplemental to this permit, underground water shall not be pumped from the well described in the permit. In any year the Walker River Irrigation District has no decreed or storage water, or declares a reduced allocation of surface waters to the priority years of C-125 decree claims supplemental to this permit, then water can be pumped from the well for irrigation of the permitted place of use.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **October 1, 2002** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.7837 cubic feet per second, but not to exceed 285.96 acre-feet annually, and not to exceed a seasonal duty of 3.085 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 23rd day of July, A.D. 2002


State Engineer

TEMPORARY

EXPIRED
DATE OCT 01 2002

Attachment "A"

8. Existing Place of Use of Permit 22936:

25.00 Acres in the SE ¼ NW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 25.00 Acres in the SW ¼ NW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 25.00 Acres in the SW ¼ NE ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 25.00 Acres in the SE ¼ NE ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the NW ¼ SW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the NE ¼ SW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 38.71 Acres in the SW ¼ SW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 39.14 Acres in the SE ¼ SW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the NW ¼ SE ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the NE ¼ SE ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the SW ¼ SE ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the SE ¼ SE ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the NW ¼ NW ¼, Section 34, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the NE ¼ NW ¼, Section 34, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the SW ¼ NW ¼, Section 34, T. 12 N., R. 23 E., M.D. B. & M.
 40.00 Acres in the SE ¼ NW ¼, Section 34, T. 12 N., R. 23 E., M.D. B. & M.
 35.04 Acres in the NW ¼ SW ¼, Section 34, T. 12 N., R. 23 E., M.D. B. & M.
 25.82 Acres in the SE ¼ NE ¼, Section 33, T. 12 N., R. 23 E., M.D. B. & M.
 638.71 Acres Total

Place of Use of Permit 22936 being removed from Irrigation:

13.02 Acres in the SW ¼ NW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 21.83 Acres in the NW ¼ SW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 38.71 Acres in the SW ¼ SW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 19.14 Acres in the SE ¼ SW ¼, Section 27, T. 12 N., R. 23 E., M.D. B. & M.
 92.70 Acres Total

Note: The certificate issued for Permit 22936 only allocated 25 acres of cultivation within the SW ¼ NW ¼. Total area of this subdivision is 40 acres. The total acreage within this subdivision that was conveyed to the Stewart's was 20.83 acres. Therefore, water rights were allocated as follows:

$$\frac{25}{40} = \frac{x}{20.83}$$

"X" equals 13.02 acres.